

Express Mail Label No.

EV123894857US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raymond E. Ideker et al.

Attorney Docket: UAB-15602/22

Serial No.: 10/019,873

Group Art Unit:

Filed: October 26, 2001

Confirmation No. 8083

For: METHOD AND APPARATUS FOR PASSIVE CARDIAC STIMULATION

**SUPPLEMENTAL RESPONSE TO NOTIFICATION
OF MISSING REQUIREMENTS**

BOX PCT

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

On May 8, 2002, Applicant filed a Response to the Notification of Missing Requirements, submitting an executed Declaration along with a check in the amount of \$65.00 to cover the surcharge for late filing of the Declaration.

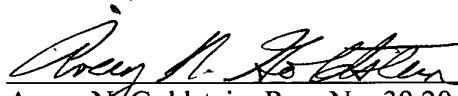
In reviewing the file, Applicant has found that the Transmittal used to file the Response, has a typographical error indicating the Serial No. to be 10/017,873. *The correct Serial No. is 10/019,873*, as indicated on the copy of the Notification and also on Applicant's postcard.

Copies of all documents filed on May 8, 2002, are attached hereto for your review and consideration.

If any fees or charges are necessary, please charge them to our Deposit Account No. 07-1180. If the Examiner has any further questions relating to this application, Applicant's attorney may be reached at (248) 647-6000.

Respectfully submitted,

Date: Aug 26, 2002


Avery N. Goldstein, Reg. No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward Ave., Ste. 400
Birmingham, MI 48009-5394
(248) 647-6000

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, postage prepaid, addressed to: BOX PCT, Assistant Commissioner for Patents, Washington, D.C. 20231, on August 26, 2002.


Janice R. Kuehn

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371

UAB-15602/22

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.5)

10/017,873

SHOULD BE
10/019,873

INTERNATIONAL APPLICATION NO.

PCT/US00/08695

INTERNATIONAL FILING DATE

30 March 2000

PRIORITY DATE CLAIMED

30 March 1999

TITLE OF INVENTION

METHOD AND APPARATUS FOR PASSIVE CARDIAC STIMULATION

APPLICANT(S) FOR DO/EO/US

IDEKER, Raymond E. and GIROUARD, Steven D.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. ☒ Certificate of Mailing by Express Mail
23. ☒ Other items or information:

Copy of Notification of Missing Requirements
postcard

EV063793261US

| | | |
|---|-------------------------------|--------------------------|
| U.S. APPLICATION NO. (IF KNOWN, 37 CFR 1.5) | INTERNATIONAL APPLICATION NO. | ATTORNEY'S DOCKET NUMBER |
| 10/017,873 | PCT/US00/08695 | UAB-15602/22 |

| | | | | | |
|---|---|--------------|-----------|---------------------------|--------|
| 24. The following fees are submitted: | | | | CALCULATIONS PTO USE ONLY | |
| BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) : | | | | | |
| <input type="checkbox"/> | Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO | \$1040.00 | | | |
| <input type="checkbox"/> | International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO | \$890.00 | | | |
| <input type="checkbox"/> | International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO | \$740.00 | | | |
| <input type="checkbox"/> | International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) | \$710.00 | | | |
| <input type="checkbox"/> | International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) | \$100.00 | | | |
| ENTER APPROPRIATE BASIC FEE AMOUNT = | | | | \$0.00 | |
| Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (e)). | | | | \$130.00 | |
| CLAIMS | NUMBER FILED | NUMBER EXTRA | RATE | | |
| Total claims | - 20 = | 0 | x \$18.00 | \$0.00 | |
| Independent claims | - 3 = | 0 | x \$84.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable). | | | | <input type="checkbox"/> | \$0.00 |
| TOTAL OF ABOVE CALCULATIONS = | | | | \$130.00 | |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2. | | | | \$65.00 | |
| SUBTOTAL = | | | | \$65.00 | |
| Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492 (f)). | | | | \$0.00 | |
| TOTAL NATIONAL FEE = | | | | \$65.00 | |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). | | | | <input type="checkbox"/> | \$0.00 |
| TOTAL FEES ENCLOSED = | | | | \$65.00 | |
| | | | | Amount to be: refunded | \$ |
| | | | | charged | \$ |

PTO did not receive the following listed item(s)
 1/0 Check sp

- a. ☒ A check in the amount of \$65.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1180 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Ellen S. Cogen
 Gifford, Krass, Groh, Sprinkle,
 Anderson & Citkowski, P.C.
 280 N. Old Woodward Avenue, Suite 400
 Birmingham, MI 48009-5394
 (248) 647-6000

Avery N. Goldstein
 SIGNATURE
 Avery N. Goldstein
 NAME
 39,204
 REGISTRATION NUMBER
 May 8, 2002
 DATE



UNITED STATES PATENT AND TRADEMARK OFFICE

 Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/019,873 | Raymond E. Ideker | UAB- 15602/22 |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/US00/08695

| LA. FILING DATE | PRIORITY DATE |
|-----------------|---------------|
| 03/30/2000 | 03/30/1999 |

25006

 GIFFORD, KRASS, GROH, SPRINKLE
 ANDERSON & CITKOWSKI, PC
 280 N OLD WOODARD AVE
 SUITE 400
 BIRMINGHAM, MI 48009

CONFIRMATION NO. 8083

371 FORMALITIES LETTER



OC000000007594166

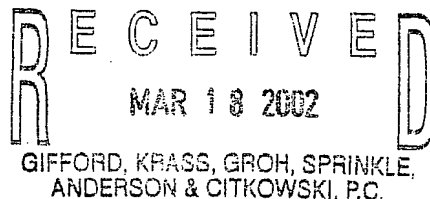
*Missing Parts out 4-8-02
 due 5-8-02*

Date Mailed: 03/08/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Priority Document
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Small Entity Statement


 GIFFORD, KRASS, GROH, SPRINKLE,
 ANDERSON & CITKOWSKI, P.C.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

CHRISTINE S WASHINGTON

Telephone: (703) 305-3752

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/019,873 | PCT/US00/08695 | UAB- 15602/22 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

10 Rec'd

2 AUG 2002

ORD. KRASS, GROH, SPRINKLE, ANDERSON & CITKOWSKI PC

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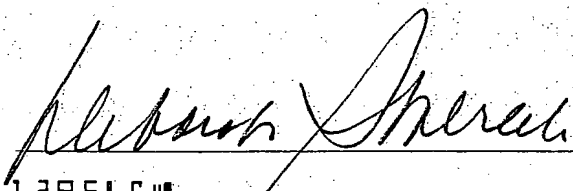
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ANDERSON & CITKOWSKI PC280 N. OLD WOODWARD, SUITE 400
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ack Total

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PATENT

The received stamp of the U.S. Patent and Trademark Office is hereby acknowledged as the filing of:

☐ Transmittal Letter
☐ New Patent Application
☐ Page(s) Specifications
☐ Page(s) Abstract
☒ Declaration & Power of Attorney
☐ Assignment & Recordation Cover Sheet
☒ Amendment/Response
☐ Check #6500

Other: JC14 Rec'd PCT/PTB 08 MAY 2002

Inventor: Raymond E. Ideler et al.
 Serial/Reg. No. 10/019,873
 Date Due: May 8, 2002
 Atty Docket No. UAB-15602/22
 Label No. EV 063793261 US

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UAB-15602/22 5/8/02